

RAILROAD & WAREHOUSE COMMISSION

Third Annual Report—For the Year
Ending Nov. 30, 1873.

State and County Aid to Railroads—
Their Public Character.

Railway Taxation—Competition—Pre-
vention of Unjust Discrimination.

Reasonable Maximum Rates—Preparation
of Schedules and Classification of Freight.

Offices of the Railroad and Warehouse Com-
mission, Springfield, Ill., Dec. 1, 1873.

To His Excellency John L. Beeson, Governor of Illinois:

In submitting our report, official action during the past year, we feel greatly embarrassed by the fact that our members are all dead. Col. H. D. Cook, our former Chairman, died Nov. 5, 1872. To his earnest care and attention, coupled with ability of manner, integrity, and untiring energy, we have been greatly indebted, and his loss, at this time, is deeply felt.

We have devoted considerable time to the Inspection and Registration Department, and the system of warehousing in the City of Chicago.

As stated in a former report, the proprietors of all the warehouses of Class "A" still refuse to take our documents and regulate their charges according to law. The test case against before the Supreme Court since September, 1872, has again, by the action of the State, been postponed. Should the Constitution not yet be sustained, the law would be found in enforcing such regulations as the safety of the public demands.

For a full account of the details of the Inspection and Registration Department, attention is respectively called to the reports of W. H. Barron, Chief Inspector, and S. G. Register, Register appointed, and marked respectively "A" and "B." It is proper to say, that about the middle of September last we received reports, as follows: "Irregularities on the part of some of the warehouses of the City of Chicago, and we immediately took steps to correct them, and provide a remedy. The fact, as far as learned, seems to present case of violation of law, but the principles of detection, through the system of reports now in use, that little wrong could be done before the whole facts would become patent, and that the conduct of the public in "warehousing records" has been, in the least, interrupted by the so-called "irregularities" yet, we see that the law, once stabilized by the Courts, will be ample to prevent any attempt at fraud, by rendering its election spirit and intent clear.

The principal object of the amendment to the Warehousing law, adopted in April last, providing for an appeal to the Circuit Court, has been of great advantage to the Inspection Department in the City of Chicago. On the 1st day of July we appointed Messrs. H. C. Hammer, J. R. Dunphy, and John F. Reynolds, each Committee, on Appeals, and on Sept. 2, 1873, appointed Mr. George L. Lewis, as an associate to all the members of the Commission. These gentlemen have all rendered efficient service, and have been of great advantage to the business men in city and country, fully sustaining the wisdom of the law providing for their appointment.

Although the inspection department, in comparison to the whole amount of inspection, yet is by no means the measure of the good accomplished by their labors. Each decision of the Committee is received by all persons interested as authority, and tends to render uniform the system of inspection throughout the city.

Pursuing a matter of public interest, and most essential in any other way, we prepared and issued a circular addressed to the County Clerk of every county in the State, asking a statement of the amount of aid voted and issued to any railroad company.

Answers were received from all the counties, and these have been voted and added to the amount of bonds issued, and the total sum held in the shape of bonds, etc., was \$1,000,000. And we feel confident that if the remaining two weeks complete the sum would be

On the 26th of September, by invitation of the United States Senate, we went on Transmissions to the City of Colorado, and the Committee.

The meeting was not a conference, but only intended, on this part, as a means of obtaining information bearing upon the question of state aid to railroads.

After such experience in railway management, while assurance can public have that their interests will receive any due consideration at the Board of Railroads.

COMMITTEE.

It has been claimed that competition would supersede the railroads in all their operations if railroads were allowed to charge what they chose for transportation, just as the merchant, the manufacturer, and the consumer have a right to pay what they choose for sale, and that the law of supply and demand would regulate their charges. But competition between railroads and steamship companies in the same line of communication, a railroad is in its nature exclusive, and therefore inevitably a monopoly, and competing lines, and in this respect there is no analogy between railways and the common highways. The railroads have to bear the cost of maintaining their lines, and force them to go to those points where the roads are not yet completed, and which at this late day systematically pursue such a course as this, is probably beyond the reach of legislation.

Notwithstanding the interests of railroad corporations so markedly contrasted with general advantages of steamship companies, and the State, with great unanimity, for years, prior to July last, discriminated in their charges against business.

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TERMS OF THE TRIBUNE.

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Daily, by mail.....\$12.00
Sunday.....\$2.50
Part of a year at the same rate.....\$2.50

To prevent delay and mistakes, be sure and give full
or no address in full, specifying State and County.
Remittances may be made either by draft, express, Post
Office order, or in registered letters, at our risk.

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Daily, delivered, Sunday excepted, 25 cents per week.
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Address THE TRIBUNE COMPANY,
Corner Madison and Dearborn-sts., Chicago, Ill.

TO-DAY'S AMUSEMENTS.

MVICKER'S THEATRE—Madison street, between Dearborn and State. Engagement of Tommaso Salvini.

ACADEMY OF MUSIC—Halsted street, between Madison and Dearborn. Engagement of A. Borden.

"David Garrick." Afternoon and evening.

HOOLY'S THEATRE—Dearborn street, between Madison and Dearborn. Engagement of Miss Alice Green. "Camille." Afternoon and evening.

GLOBE THEATRE—Dearborn street, between Madison and Dearborn. Engagement of Alice Green. "The Boy Detective." Afternoon and evening.

MURK'S OPERA-HOUSE—Murk's street, between Dearborn and State. Arlington Cotton and Minstrels. "Simple Simon."

BUSINESS NOTICES.

HEADQUARTERS FOR BOYD CLOTHING. C. O. COLLINS, 154 and 156 Clark-st.

The Chicago Tribune.

Wednesday Morning, January 7, 1874.

Captain-General Jovellar's regulation for supreme powers has been granted by the Spanish Government. The whole of Cuba is now virtually in a state of siege, and the Captain-General is dictator, amenable to no other law than his own will.

The report of Sanitary Superintendent Miller shows that during last year there were 9,540 deaths in Chicago, of which 5,429 were under 5 years of age. This loss was partly made good by the birth of 9,708 children. Aside from infant's disease, the greatest mortality was caused by consumption and small-pox, the former of which killed 637 and the latter 517 persons.

The late election in Texas is invalid, as the Supreme Court of that State has decided that the law under which it was held is unconstitutional. This law directed the polls to be kept open but one day, in contradiction of the provisions of the Constitution, which requires them to be open for four days. Under this decision, the sitting State officers hold over till the Legislature orders a new election in a constitutional manner.

Rather than censure President Grant for his indiscreet part in the back-pay steal, the Republicans in the Ohio House of Representatives have refused to express any disapproval of that act. The resolution censuring Congress for passing the law was reported back yesterday, as ordered by the House, amended so as to include President Grant in the condemnation, and was passed by a strict Democratic vote—all the Republicans voting against it.

The United States Supreme Court has sustained Judge Drummond's decision, in the case of the Lumbermen's Insurance Company, that a debt due a stockholder by a corporation cannot be offset by him against his unpaid subscription for stock. The Court holds also that stock subscriptions, paid or unpaid, are a trust fund for the benefit of creditors of the corporation, and that this trust cannot be evaded by the arrangement, sometimes resorted to, of paying back the subscription to the stockholder as a loan. Such a payment is not valid against creditors.

The Grand Jury met yesterday, with Mr. Henry Greenbaum as foreman. The first matter considered was the case of ex-Treasurer Gage. A number of witnesses were examined, among them ex-Comptroller Taylor and ex-Ald. Sherwood. The facts elicited were those with which the public is already familiar concerning the amount and manner of the defalcation, and the practice of paying interest on deposits. The Grand Jury adjourned till to-day, to continue the examination of witnesses and to obtain the opinion of Judge Rogers as to the applicability of the law under which City-Attorney Reed is moving for an indictment. As far as can be ascertained, the sentiment of the jurors is in favor of indictment; but they do not seem to believe that a conviction is likely to follow.

President Blackstone, of the Chicago & Alton Railroad, has devised a novel means of discouraging the free-pass beggars who still besiege the Company's doors. Every applicant, and among them are prominent the honorable forms of legislators, State officers, city and county officials, and Penitentiary Commissioners, is handed a carefully-prepared circular, calling his attention to the rapid and alarming growth of Communistic ideas in the West. The effect has been most gratifying, and the crowd of applicants has dwindled down to one or two daily, of those who cannot overcome the power of habit. Country editors have been informed, by the same authority, that their advertisements will no longer be paid for by free passes.

The enlargement of the Erie Canal is one of the topics of Gov. Dix's message to the Legislature of New York. He believes that when the locks are doubled, as they will be soon, and the dimensions of the canal correspondingly increased, its capacity will be sufficient for present needs, and that the use of steam as a motive power will enable it to compete successfully with other transportation routes between the East and the West. Great prominence is given in the message to the protection of the public from the immanagement and dishonesty of savings banks, trust companies, and other fiduciary institutions. Among other laws recommended for this object is one, prohibiting any officer of a savings bank from holding office in any discount bank in which its funds are deposited.

The Chicago produce markets were generally stronger yesterday, with a larger demand. Meats were moderately active, and 15@20 per lb higher, closing at \$14.00@14.70 cash, and \$15.10@15.15 seller February. Lard was quite active, and 10c per lb higher, at \$6.00 @6.70 cash, and \$6.90 seller February. Meats were active and stronger, at 5@6c for shoulders, 7@8@7@9c for short ribs, 7@8c for short clear, and 8@9@10@11c for sweet pickled hams. Dressed hogs were in good demand and steady, for choice, at \$6.00@6.50 per lb. Hams were active and a shade firmer, at 10c per gallon. Flour was strong and quiet. Wheat was active, and 4@5c higher, but faded back

at \$1.20c cash, and \$1.24c seller February. Corn was more active, and 3@4c higher, trading at 50@6c cash, and 50@6c seller February. Oats were active and 1c higher, closing at 40@4c. Rye was quiet, and 1c higher, at 75c. Barley was dull and easier, at \$1.41@1.42c for No. 2, and \$1.18@1.29 for No. 3. On Saturday evening last there was in store in this city 1,464 bushels, 1,259 bushels corn, 293,339 lbs oats, 65,335 lbs rye, and 420,221 lbs barley. Live hogs were active and steady at \$4.95@5.05 for inferior to extra. Cattle were lower. Sheep ruled steady.

The freight tariffs established by the Board of Railroad and Warehouse Commissioners of this State, as *prima facie* reasonable rates, are calculated for each mile of distance, and on the principal roads, such as the Rock Island, Burlington, and Northwestern, the rate per 100 pounds for First Class commences at 12 cents for one mile, and increases one-half cent for each additional mile up to 6 miles, four-tenths of a cent for each additional mile up to 20 miles, three-tenths of a cent for each additional mile up to 30 miles, two-tenths of a cent for each additional mile up to 40 miles, and about three-tenths of a cent for all greater distances. The rate for 200 miles is fixed at \$6.10. Second class freights run from \$0.08 to one mile to \$54.25 for 200 miles; third class from \$0.38 to \$24.40; fourth class from \$0.08 to \$32.05; cattle and hogs, per car-load, \$8.00 for one mile to \$88.36 for 200 miles; coal, per ton, from 30 cents for one mile to \$3.00 for 200 miles. The schedules published fill about twelve pages of the *State Journal*, and will be productive, probably, nothing but a bill of several thousand dollars against the State for advertising.

Gov. Bevridge's annual message, sent to the Legislature yesterday, deals mainly with the condition of the public institutions of the State, the State inspection of grain, and the measures which have been taken for the regulation of railroad corporations. The State institutions he reports to be satisfactorily managed, including the Penitentiary, which has lately claimed an unusual degree of public attention. The discipline, he says, is less severe, and yet "firmer and improved, the result of which is apparent in the largely diminished number of punishments." The improvement of the Illinois River is proceeding economically and successfully. The entire cost to the State of the lock and dam at Coppers Creek will be only about \$300,000, instead of \$400,000, as authorized by the Legislature. The system of State inspection of grain is approved, as giving better satisfaction to the producing classes than the old way. The Governor thinks additional legislation is needed for the public protection against the use of false and fraudulent warehouse receipts. In raising their rates heavily, July 1, 1873, the railroads are judged to have escaped the charge of unjust discrimination, but to have been guilty of extortion. If after the 15th of January, when the schedules are in full force, they fail to comply with the law, he recommends that it be enforced with energy and rigor. The sooner the problem of the control of the railroads is solved, the better, he concludes, for all concerned.

A remarkable spectacle was seen in the House of Representatives yesterday, when Elliott, the colored member from South Carolina, spoke in favor of the Supplementary Civil-Rights bill. The occasion was remarkable for the eloquence and ability of the speaker, but there was a greater significance in the respectful attention and the applause which the negro orator commanded from the House. He paid his attention to Alexander H. Stephens, and Mr. Harris, of Virginia, in a way which will be apt to impress those gentlemen with the necessity of still another Supplementary Civil-Rights bill for their protection against the scouring tongues of former slaves.

The unreasonableness of the unemployed at their recent meetings in this city is very clearly shown by the scenes which transpired daily in front of the doors of the Relief Society. When the unemployed at the outset, misled by ambitious demagogues of the Hoffman stamp, were informed that the Relief Society had resources sufficient to meet the wants of that portion of the community, and that no one would be left to starve, they noisy refused to have anything to do with the Society, and demanded that the city should appropriate a sum sufficient to maintain the Society, and that the Relief Society should turn over its balances on hand to the city authorities to be disbursed by the Aldermen. When, however, they found that their claim was unavailing, that they had made demands which it was becoming to abuse the amnesty, which allowed them to return to a place in the Government he had sought to overthrow, by again advocating principles which were hostile to the existence of its Constitution. He could best vindicate the wisdom of the magnanimous policy which permitted him to return by advancing the doctrine that American citizenship carried with it every civil and political right that manhood could confer. Mr. Harris was less gently treated. Mr. Elliott told him, with cruel considerateness, that a negro was too magnanimous to smile him in his weakness, and was moreover charitable enough to grant him the mercy of his silence. Mr. Elliott contended that the power to pass the bill under discussion was conferred on Congress by the last amendments to the Constitution, and that the power ought to be exercised in favor of negroes as a reward for their military services, and for their loyalty to the Government of the United States when those against whom they now seek to assert their rights were trying to overthrow it by a Government based on slavery.

THE END OF THE SPANISH REPUBLIC. The recent coup d'etat in Madrid, by which Gen. Prim dissolved the Cortes by force, is in reality the death-blow to Spanish Republicanism. Although Prim apparently acted upon his own authority, and at the head of the militia, and is to take his trial for treason, nevertheless the act has elevated Marshal Serrano to the Chief Executive power, and the tottering Republic is in the hands of a violent and life-long Monarchist, who has been identified with almost every intrigue which has taken place in Spain during the last twenty or thirty years. He assisted to overthrow Espartero in 1845, likewise his successor, O'Donnell. He next sought to depose Narvaez, although the latter had been his political benefactor and made him Captain-General of Grenada. He was devoted to Queen Christina, but he, more than any other, helped to drive out Isabella, and then was made Regent in the time between Isabella's flight and Amadeus' acceptance of the crown. Although Conservative and Liberal by turns, as past united his political ambition, he has always been a Monarchist, and his appearance at the present time upon the surface of Spanish politics, wading the chief power, bodes no good for the Republic. It did not end in the restoration of the Bourbons to power, that is will be only because some other faction is more powerful, in which case revolution must come. Having made this investigation, the charity should then take the form of work and necessary articles of fuel, food, and clothing, rather than of money direct. A man who is able to work and will not work when work is offered him, should not have relief of any sort. When women apply, the necessary articles of household consumption are of more service to them than money, which they cannot afford to be as good purpose as the Society. The notice which has been issued by the Society to manufacturers, asking them to furnish work as far

as possible, is timely. The action of the Comon Council ordering certain work to be done, such as widening the South Branch and removing the debris from the Court-House grounds, and its opponents will shortly be changed to a struggle between the adherents of Don Carlos and those of Don Alfonso, with the usual number of Intransigents and other insurgent squabbles, for side-shows. The rejoicing of the slave-owners at the overthrow of Castellar, which guarantees the safety and continuance of the system of slavery, and the significant regaining of the crown upon the stems of the Spanish war-vessels, and replacing of the Imperial arms upon the Governor's Palace, also infallibly indicate the drift of the political current.

THE SENATE BANKRUPTCY BILL. The bill reported by the Judiciary Committee of the Senate as a substitute for the House bill repealing the National Bankruptcy act absolutely, is an indication that thought has been bestowed upon the subject in the Senate, and it furnishes ground for the hope that the heading action of the House may be reversed.

There is unquestionably a demand that the Bankruptcy act be amended, certainly by a reduction of the fees now paid to officials, and probably also in the way of modifying the conditions of involuntary bankruptcy to meet the commercial exigencies that follow a panic. The bill introduced into the Senate provides for both these things, and is so far a response to the demands that have been made throughout the country by various Boards of Trade, Chambers of Commerce, and other associations of merchants. It saves the bankruptcy system, and thereby protects the commercial classes of the country from the evils incident to the system of assignments and preference under the State laws.

With the information now before us, the Senate bill seems to contain all the modification of the law which debtors can reasonably demand on account of the heavy shaking up of business and shrinkage of values. At the same time it retains the vital principle of the law which has given so much to sustain the confidence of creditors by a protection against preferences and frauds. The principal change is the requirement that involuntary bankruptcy proceedings shall be commenced only upon the petition of one-fourth the creditors in number and one-third in amount of claims. This requirement removes the only objection of any merit which has been urged against the maintenance of the present system; for under this rule, no captions or unfair creditor can take advantage of a debtor, whose default of payment is the result of temporary embarrassment which he could not control, and whom it will enable to pay all debts in full. The Court is authorized to take twenty days in cases already pending, and five days in all cases commenced after the passage of the act, to ascertain whether due notice has been given to all the creditors, and whether the required number of persons and amount of claims have joined in the petition. Another essential departure from the old law is the provision that requires the discharge of an involuntary bankrupt without regard to the proportion of his indebtedness which his estate may pay. In view of the protection afforded against collusion for the purpose of involuntary bankruptcy by requiring the acquiescence of a majority of the creditors, this provision appears to be just. If a man is to be forced into bankruptcy through the strain that follows a panic, it is but fair that he should be discharged by a capitalization of \$600 per head, or \$200 per capita, of which he will be liable to pay all out of which it is to feed and clothe itself. That is the way Protection protects.

The operations are at the Capital to execute. Public opinion is a just, intelligent, responsible public opinion—should rule. Congress holds the scutum, but the people are the power behind the throne. . . . We stand in some respects at the parting of two ways. The one points to honor; prudence, and increased strength. . . . Very much depends on the temper and action of Congress. The people ask nothing unreasonable. Many words will be said about Cuban excitement to an extent that fosters the suspicion that it had partly been spent in advance, and that the war excitement was availed of as a reason to call up some bad outlays. Let Congress lay up the loans and stop them.

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THE COURTS.

Final Settlement of the Uhlich Case.

The Result of Six Years of Litigation.

An Attempt to Get a Divorce Defeated.

Bankruptcy Items—New Suits.

THE CIRCUIT CASE.

The long-contested Uhlich will case has at last been finally decided by a decree entered on the Superior Court yesterday, in accordance with the decision of the Supreme Court.

The case was commenced on the 1st of December, 1867, by Henry Uhlich, who also held a bill in chancery, against John H. Ulrich, Ernst Uhlich, August Uhlich, and Wallace L. Newberry.

The bill sets out that Carl Gottlieb Uhlich died about the 1st of November, 1867, leaving said wife, his widow, August Uhlich, and Ernest Uhlich, his only children and heirs-at-law. During his life he owned a large amount of valuable land, including that situated on the Uhlich Hotel stands, on the southwest corner of Sixth and Twenty-second streets.

Carl made a will giving the most of his property to his widow; but reserving a tract bounded by Twenty-third and Twenty-fourth streets, Wentworth avenue, and the Rock Island Railroad, to be held in trust for the funding of an orphan asylum.

It was alleged that Carl Uhlich had been for years previous to his death of unsound mind, and unable to manage his own affairs; that he was unnatural and incapable on the 1st of the last day of judgment, the subject of the Justices of the Peace, that would one day before the people of the United States, for their iniquities and sins.

The complainant, Henry, held his position, and, after a trial, was awarded \$1,000 a year.

F. B. Gardner et al. were tried on an allegation of perjury, and found guilty, and a warrant was issued for Feb. 11.

George W. Nichols et al. were appointed Attorneys of Parker & Tilson, with authority to prosecute of their stock, and sue for damages.

Joseph A. LaFerty was adjudged bankrupt, and a warrant issued for Feb. 11.

A discharge was issued in the case of George J. Hayes et al. were adjudicated bankrupts, and a warrant issued for Feb. 11.

W. W. Fowler was appointed Provisional Attorney.

George King et al. were tried on an allegation of perjury, and found guilty, and a warrant was issued for Feb. 11.

F. B. Gardner et al. were tried on an issue in bankruptcy and adjudicated. A warrant was issued returnable before Feb. 11.

George Fontaine & Co., were adjudicated bankrupt, and a warrant of seizure issued for Feb. 11.

W. F. Koenig was tried and found to be bankrupt, and a warrant returnable before Register Grant, was issued for Feb. 11.

The case of Hugo Tunney was called, tried, and the debtor adjudicated. The warrant is returnable Feb. 11.

The proceedings against Gardner & Hamilton were dismissed, and a warrant issued for Feb. 11.

The proceedings against the Lamar Insurance Company were ordered to be dismissed, unless objections are filed in ten days.

Money to loan on undivided interest in a claim against the United States, for the benefit of the claimants, and inducing him (complainant) also to sign a deed, not knowing its contents, under false representation. Henry therefore, and that an action may be taken to recover the sum so fraudulently obtained, may be declared void; but if it may be ascertained whether Carl died intestate, as is alleged; or, if he left a valid will, that it may be determined which of the two wills was first executed, and Ernest Uhlich may be compelled to withdraw from selling the lands so fraudulently conveyed to him, and compelled to give up all papers and documents of title, and, if necessary, to pay for the same.

The Second National Bank began an action against the Griffin Smoke-Bureau Company for \$3,000, and against George K. Schaeffer, Jr., for \$10,000.

The defendant, F. B. Gardner, et al. were tried on an issue in bankruptcy and adjudicated. A warrant was issued for examination of the debtors under Feb. 11.

Henry Kitchen was allowed to file a supplemental petition against the Frise Stone Manufacturing Company.

The National Bank began an action against the Griffin Smoke-Bureau Company for \$3,000, and against W. E. Hammie and Andie Hammie, for \$10,000.

C. Follansbee & Son brought suit against Horatio O. Stone, claiming \$10,000.

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